

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

LEWIS COSBY,
KENNETH R. MARTIN,
as beneficiary of the
Kenneth Ray Martin Roth IRA, and
MARTIN WEAKLEY,
on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

KPMG, LLP,

Defendant.

No.: 3:16-CV-121-TAV-DCP

ORDER

WHEREAS, on June 29, 2020, Magistrate Judge Poplin issued, among other things: (1) a Report and Recommendation that Plaintiffs' Motion to Certify the Classes, Appoint Class Representatives, and Appoint Class Counsel [Doc. 172] be granted (the "Class Certification R&R"); (2) a Memorandum and Order denying in part and granting in part Defendant's Motion to Exclude the Reports and Testimony of Chad Coffman [Doc. 171] (the "Daubert Order"); and (3) a Memorandum and Order granting Plaintiffs' Motion to Substitute [Doc. 167] and ordering Plaintiffs to file an amended complaint substituting the names of the Plaintiffs within 14 days (together, the "June 29, 2020 Recommendations and Orders");

WHEREAS, on July 2, 2020, the Court entered an Order regarding the scheduling for the filing of objections to or appeals from the June 29, 2020 Recommendations and Orders (the “July 2 Order”);

WHEREAS, on July 13, 2020, Plaintiffs filed a Third Amended Complaint;

WHEREAS, on July 27, 2020, the KPMG filed objections to the Class Certification R&R [Doc. 178] and the Daubert Order [Doc. 179], and Plaintiffs filed a limited objection to the Daubert Order [Doc. 177];

WHEREAS, on July 27, 2020, KPMG filed a Third Motion to Dismiss the Third Amended Complaint [Doc. 180];

WHEREAS, on July 31, 2020, KPMG filed a two-page Motion to Stay all Proceedings Pending a Decision on its Partial Motion to Dismiss the Third Amended Complaint (the “Motion to Stay”), supported by a six-page memorandum [Doc. 187];

WHEREAS, pursuant to the Court’s July 2 Order, the parties’ oppositions to the objections are due on August 24, 2020; and

WHEREAS, pursuant to the Court’s July 2 Order, the parties’ replies in support of their objections are due on September 2, 2020;

WHEREAS, the Court instructed the parties that the Motion to Dismiss would be held in abeyance pending the filing of a motion to stay, responses, and briefing, all of which were to be filed on an expedited basis;

WHEREAS, Plaintiffs have now requested a briefing schedule for the Motion to Stay that would permit Plaintiffs to respond no later than September 25, 2020;

WHEREAS, KPMG opposes Plaintiffs' request for an extended briefing schedule on the Motion to Stay;

Therefore, in light of the above and KPMG's opposition to Plaintiffs' request, it is hereby **ORDERED AS FOLLOWS:**

1. Plaintiffs' Opposition to the Motion to Stay shall be filed no later than **Friday, August 14, 2020**; and
2. KPMG's Reply in Further Support of its Motion to Stay shall be filed no later than **Friday, August 21, 2020**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE